

conduit to an upper soil surface...” (Applicant did not think there was ambiguity previously, in light of the specification.)

4. Examiner objected to the specification, based on impermissible incorporation by reference of essential subject matter. Applicant incorporates by reference the disclosure of Pat. No. 6,485,647, but that patent itself does not incorporate by reference essential material, nor any other material. Applicant thinks maybe the objection is an artifact, mistakenly included, in view of the second paragraph of rejection paragraph 13 on page 10 of the office action. Applicant requests reconsideration and withdrawal of the objection. Applicant would be willing to comply as needed, to overcome any objection.

5. Examiner has rejected claims based on potential non-statutory double patenting. Applicant thinks that is not proper, particularly in view of the amended claims submitted herewith, and notwithstanding examiner’s detailing of points. The ‘647 patent monopoly would not be extended, in context that to infringe here one would have to practice each and every step, including steps which are not necessary to practice the ‘647 claims. However, to expedite this application, applicant encloses a terminal disclaimer.

6. For the record, applicant vigorously disputes examiner’s characterization of what the Flynn patent describes. Flynn teaches only flowing air along the conduits to dry the grease and other contents of the conduit, and says there is drying of some of the soil. Flynn does not teach flowing air into the influence zone of the soil. On the contrary, Flynn teaches only aerobic action which takes place in the leaching canals 3. Col. 1, line 16-18. Col. 2, line 52-55.

Examiner says bacteria will inevitably migrate into the influence zone. That is supposition since Flynn does not mention any such thing about bacterial movement or movement of anything into the influence zone. Flynn’s aim of “totally drying” (Col. 1, line 49) is antithetical to bacteria or to any movement into the soil.

Flynn teaches two fans 10 and 11. It is impossible to know from Flynn whether the conduit is negative, positive or equal to atmosphere pressure, as a result. Thus, Flynn teaches in no direction. And, it is known about fans are air movers, not designed to create significant pressure. Thus, even if there were positive or negative pressure in the conduit, they would only negligible pressures within the meaning of applicant’s description, certainly not sufficient to cause any significant air movement through soil. The examiner’s conclusion on such points is based on hindsight from applicant’s invention.

Examiner says that Flynn is removing water and then pressurizing the conduit, which is not the case. Any removal of water which Flynn carries out is by evaporation through flow of air, not followed by flow of air (notwithstanding Flynn is not suctioning or pressurizing in the flowing). Applicant claims affirmative way of causing water to flow into the collection point/conduit and or removing same. That is nowhere suggested by, nor inherent in, Flynn. (Evaporating is not “flowing”, as examiner indicates by her parentheses she appreciates.)


Thus, not only does Flynn not show the invention within the meaning of 35 USC 102, the teaching of Flynn does not combine with the Johnson patent to teach the invention;

notwithstanding, there is no suggestion or need to combine.

7. Also for the record, applicant feels the need in persisting in the following rebuttal as to the definition of "soil". Applicant should not have to specifically define in his description words with well-known and accepted technical meaning in the field of invention, in order to counter the citation of a vaguer definition from a general purpose dictionary, whose lexicographers are not particularly technically competent.

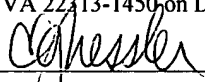
Wherefore, reconsideration and allowance of the claims as amended is requested.

Respectfully submitted,
DAVID A. POTTS

By _____
His Attorney

Charles G. Nessler
Box H
Chester, CT 06412
(860) 526 9149
fax 860 526 1043
email cn@cnessler.com

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to Assistant Commissioner of Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on December 27, 2004



C. G. Nessler

1 -6 (cancelled)

7. (currently amended) ~~The method of claim 5 further comprising:~~ A method of treating the leach field of a sewage system to improve its functioning, wherein the leach field is comprised of a septic tank in communication with a conduit buried within soil, which soil runs continuously from the conduit to an upper soil surface which is exposed to atmosphere, the conduit having an associated influence zone within the soil into which waste water flows and is acted upon biochemically to make the water more environmentally benign, which comprises: removing the water from said conduit while causing water to flow within the soil to the conduit; then reducing the pressure in the conduit to less than atmospheric pressure, to both further remove water and to cause inward flow of water from the influence zone into the conduit, while impeding vertically downward flow of atmospheric air that, which is induced by the step of reducing the pressure in the conduit, through that portion of the soil surface which lies directly above the conduit, while allowing downward flow of air in adjacent areas of the soil surface, where soil runs continuously down to conduit.

8. (currently amended) A method of treating the leach field of a sewage system to improve its functioning, wherein the leach field is comprised of a septic tank in communication with a conduit buried within soil, which soil runs continuously from the conduit to an upper soil surface which is exposed to atmosphere, the conduit having an associated influence zone within the soil into which waste water flows and is acted upon biochemically to make the water more environmentally benign, which comprises: removing the water from said conduit while causing water to flow within the soil to the conduit; and, then pressurizing the conduit with air or other active gas, to cause said air or other active gas to flow from the conduit into the influence zone, to substantially replace water in influence zone; and, The method of claim 2 wherein the sewage system is comprised of a septic tank, which further comprises: removing a portion of the contents of the septic tank in contemporaneous cooperation with the removing of water from said conduit, before pressurizing the said conduit.

9. (cancelled)

10. (currently amended) A method of treating the leach field of a sewage system to improve its functioning, wherein the leach field is comprised of a conduit buried within soil, which soil runs continuously from the conduit to an upper soil surface which is exposed to atmosphere, the conduit having an associated influence zone within the soil into which waste water flows and is acted upon biochemically to make the water more environmentally benign, which comprises:
~~The method of claim 1 which further comprises:~~ inserting one or more vertical pipes into the soil from the surface thereof at a point or points spaced apart from the conduit, the pipes adapted to act as collection points, and to receive water at their lower ends,~~wherein said vertical pipes are said collection points, causing water to flow within the soil to one or more collection points by removing water therefrom;~~ and, then pressurizing the conduit with air or other active gas, to cause said air or other active gas to flow from the conduit into the influence zone, to substantially replace water in influence zone.

11-17 (cancelled)

18. (currently amended) ~~The method of claim 3, wherein the inserting of a pipe for injection and uplifting leaves a hole in the surface which further comprises:~~ A method of treating the leach field of a sewage system to improve its functioning, wherein the leach field is comprised of a conduit buried within soil, which soil runs continuously from the conduit to an upper soil surface which is exposed to atmosphere, the conduit having an associated influence zone within the soil into which waste water flows and is acted upon biochemically to make the water more environmentally benign, which comprises:

inserting a pipe into the soil at a point spaced apart from the conduit, to thereby create a hole in the soil; and, injecting air or other gas into the soil at the point with pressure and volume sufficient to uplift or fragment the soil and to create passages for water within the soil;

removing the pipe from the soil and sealing said hole left by the pipe prior to the step of applying air or other active gas;

removing water from the interior of said conduit;

and pressurizing the interior of the conduit with air or other active gas, to cause said air or other active gas to flow from the conduit into the influence zone, to substantially replace water in influence zone.